

REQUEST FOR RECONSIDERATION UNDER 37 C.F.R. § 1.116  
U.S. Appln. No. 09/939,659

Applicant thanks the Examiner for acknowledging receipt and acceptance of the drawings filed August 28, 2001 and January 6, 2004.

For the reasons set forth below, Applicant respectfully traverses the rejections and requests favorable disposition of the application.

Specifically, Applicant submits that the asserted prior art combinations fail to teach or suggest all of the claimed limitations of the claims and, further, that it would not have been obvious at the time of the invention to combine the single cylinder lens of Endriz with the device disclosed in Mueller et al.

***Lack of Recited Elements***

For example, in regard to at least independent claims 1, 3, 5 and 7, Mueller et al., Endriz and Ishiwata, independently or in combination, fail to teach or suggest laser diodes that are arranged in a direction perpendicular, or normal, to a junction plane of the laser diodes, as recited in the claims. The arrangement of the laser diodes in a direction perpendicular to the junction plane, which is both disclosed and claimed in the present application, enables a reduction in the distance between the laser diodes and a stimuable phosphor sheet, thereby reducing the size of a radiation image read-out apparatus, and enabling a distribution of the intensity of stimulating rays evenly in the main scanning direction of the laser. (See, for example, Specification at page 22, line through page 23, line 14). Further, one skilled in the art with the asserted prior art references before him would not have found the arrangement of the laser diodes in a direction perpendicular to the junction plane of the laser diodes obvious.

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As seen in the drawings of Mueller et al. and Endriz, the direction of the junction plane is different from the claimed direction of the junction plane by 90 degrees. Additionally, in Ishiwata, there is no description or figure indicating the direction of the junction plane of the laser diodes.

For at least the above reason, independent claims 1, 3, 5 and 7, and all claims dependent thereon, specifically, claims 4/1, 4/3, 8/5 and 8/7, are patentable over the prior art of record and the rejection of these claims should be withdrawn.

Additionally, each of claims 1-14 requires, *inter alia*, a single cylindrical lens that converges a laser beam, or beams, to form a linear laser beam that is directed to the phosphor sheet. All of the prior art references, Mueller et al., Endriz and Ishiwata, employ an array of lenses and thus, even if the independent disclosures of the three references were combined, the result would not meet the requirements of the claims.

For at least this reason, the rejection of claims 1-14 should be withdrawn.

***Lack of Motivation to Combine***

Furthermore, Applicant submits that the proposed combination of Mueller et al. and Endriz is improper for §103 purposes because the Examiner has failed to establish a *prima facie* case of obviousness. More specifically, as stated by the Federal Circuit:

It is impermissible to use the claimed invention as an instruction manual or “template” to piece together the teachings of the prior art so that the claimed invention is rendered obvious. This court has previously stated that “[o]ne cannot use hindsight

reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention.”<sup>1</sup>

Also, “[t]he mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification.”<sup>2</sup>

In this regard, Applicant submits that both Mueller et al. and Endriz fail to suggest any motivation for, or desirability of, the changes espoused by the Examiner. Specifically, neither Mueller et al. nor Endriz suggest the desirability of utilizing a single cylindrical lens in an apparatus such as the one disclosed in Mueller et al.

It is contended, in the grounds of rejection, that “Endriz teaches (column 5, lines 25-53) that lenses for an array of laser diodes can be integrated into a single lens” and that a skilled artisan would have used a cylindrical lens, such as the one disclosed in Endriz, in the Mueller et al. device “in order to reduce the number of lens mountings ... .” Neither of these assertions, however, are disclosed within the cited references.

For example, contrary to the assertion of the Examiner, nowhere, and particularly not within column 5, lines 25-53, does Endriz disclose that an array of lenses can be integrated into a single lens. To the contrary, Endriz clearly discloses an array of lenslets 20 making up a lens array 18, where each of the lenslets 20 corresponds to a respective laser diode segment 13. (Col. 5, lines 25-27 and FIGs. 1 and 3). Endriz also discloses a cylinder lens 17 disposed between the

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<sup>1</sup> *In re Fritch*, 972 F.2d 1260, 1266 (Fed. Cir. 1992) (quoting *In re Fine*, 837 F.2d 1071, 1075 (Fed. Cir. 1988)).

<sup>2</sup> *Id.*

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laser diodes and the lens array 18. Endriz does not disclose that the single cylinder lens 17 is a viable equivalent to, or replacement for, an array of lenses such as those disclosed in Mueller et al. In fact, Endriz clearly discloses, for example at FIGs. 1 and 3, that an array of lenses 18 is still required, even if lens 17 is used. Accordingly, the combination would require at least two lenses rather than a single lens as claimed.

Furthermore, in regard to the Examiner's argument that a skilled artisan would have used a cylindrical lens, such as the one disclosed in Endriz, in the Mueller et al. device "in order to reduce the number of lens mountings", nowhere within either of the references, Mueller et al. and Endriz, is the benefit of reducing the number of mountings even contemplated. The Examiner's personal belief that a reduced number of lens mountings would be beneficial to the Mueller et al. device, and the unsubstantiated assertion that a skilled artisan would, thus, obviously replace lens array disclosed in Mueller et al. with a single lens, is not a substitute for a suggestion found within the prior art, especially given the fact that both Mueller et al. and Endriz used array lenses, as discussed above.

Applicant respectfully submits that the optical requirements of Mueller et al. and Endriz teach away from their combination with each other. Mueller et al. specifically contemplates a line forming beam for its light source for purposes of providing rapid and accurate imaging. (Col. 2, lines 12-33). By contrast, the lens optics of Endriz are specifically arranged to provide a single point overlapped by several light sources. The objects of each reference teach away from their combination.

Therefore, for at least the reasons set forth above, the combination of Mueller et al. and Endriz is improper and does not render the subject matter of any of claims 1, 4/1, 5 and 5/8

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obvious. Moreover, a skilled artisan would not have combined the independent disclosures of Mueller et al. and Endriz to achieve the structure claimed. Accordingly, claims 1, 4/1, 5 and 5/8 are patentable over the prior art and the rejection thereto should be withdrawn.

For at least the same reasons as discussed above, and further, because Ishiwata does not compensate for the deficiencies of Mueller et al. and Endriz, Applicant submits that claims 2, 3, 4/2, 4/3, 6, 7, 8/6, 8/7 and 9-14 are also patentable over asserted prior art.

**Conclusion**

In view of the foregoing remarks, the application is believed to be in form for immediate allowance with claims 1-14, and such action is hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, he is kindly requested to **contact the undersigned** at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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